

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ROSS JAY LAWSON,

Plaintiff,

v.

KEN JENNE, WILLIAM HITCHCOCK,
BROWARD COUNTY DEPARTMENT OF
CORRECTIONS AND REHAB., ET AL,

Case No.: 00-6009-CIV-DIMITROULEAS
Magistrate Judge SORRENTINO

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DIST. CT.
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PLAINTIFF'S MOTION REQUESTING THE COURT TO DENY THE
DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S AFFIDAVITS
SUBMITTED IN RESPONSE TO DEFENDANTS' MOTION FOR
SUMMARY SUDJEMENT

Comes Now the Plaintiff, ROSS JAY LAWSON, Pro,se, and requests this Honorable Court to deny the the Defendant's Motion to Strike Plaintiff's Affidavits. Grounds for this Motion are as follows:

1. The Plaintiff submitted six affidavits in support of his Response to Defendant's Motion for Summary Judgement.
2. The affidavits of John Judd, Michael Consiglio, Terrell Sessions and Jeffrey Gottman are all based upon personal knowledge, and do comply with Fed.R.Civ.P. 56(e). They are all based upon each individuals personal knowledge as sworn to. And such personal knowledge comes from each individual being held in the custody of the B.C.D.O.C.A.R. as both non-convicted pretrial detainees and convicted detainees as well. The Affidavits are proof that throughout the jail the facts set out in each affidavit are consistent with each affidavit. Who better to testify on issue alleged in this action then individuals who experienced them first hand.

3. The affidavit of John Judd contains personal knowledge, experienced first hand by

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Mr. Judd. Mr. Judd has sworn under oath the facts set forth in his affidavit.

4. All affidavits are in total compliance with Fed.R.Civ.P. 56(e), and all individuals providing said affidavits, and their testimony is directly relevant to the issues alleged in this action by the Plaintiff. And if the Plaintiff so chooses states that this Honorable Court will more then easily see that their testimonies are directly relevant and admissible in trial for this action.

Each inmate/individual who submitted affidavits have been housed in numerous units throughout the B.C.D.O.C.A.R. each full unit houses as much as 100 inmates. Mail is handed out at dinner meal when all inmates must be sitting in the day room, and therefore each inmates can easily see what mail is allowed in and what is not. Also for the simple reason of them being denied certain and or all publications themselves while housed at the jail. Further more the Plaintiff sees no reason why the individuals could not have this personal knowledge and information as stated by the Defendants in their Motion. Further Mr. Judd's affidavit contains sworn to proof that he personally has heard deputies say things, in where they made fun of the Plaintiff. All affidavits state each individuals personal knowledge and are attested to such. The Defendant's have provided this court with nothing more then conclusary allegations in which they claim that the individuals providing said affidavits could not have personal knowledge of the facts contained therein. The Defendants have provided no proof to such claims.

Wherefore the Plaintiff request that this Honorable Court deny the
Defendant's Motion to Strike Affidavits

Certificate Of Service

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS SENT VIA U.S.
MAIL TO ADORNO & ZEDER P.A. COUNSEL FOR DEFENDANTS 888 S.E. 3RD AVE. LEGAL CENTER
SUITE 500 Fort Lauderdale FL. 33335-9002 On this 11TH day of December 2000

BY Ross Lawson
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